

# EXHIBIT 54

Randall Craig Holm

February 16, 2006

Billings, MT

Page 1

THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

- - - - - x

IN RE PHARMACEUTICAL : MDL 1456

INDUSTRY AVERAGE WHOLESALE : Master File No.

PRICE LITIGATION : 01-CV-12257-PBS

- - - - - x

Billings, Montana

Thursday, February 16, 2006

Deposition of RANDALL CRAIG HOLM, a  
witness herein, called for examination by counsel  
for Defendants in the above-entitled matter,  
pursuant to notice and the Federal Rules of Civil  
Procedure, the witness being duly sworn, by  
agreement, by CRAIG KNOWLES, a Notary Public in  
and for the State of Colorado, taken at 33 Last  
Chance Gulch, Helena, Montana, at 8:57 a.m., on  
Thursday, February 16, 2006, and the proceedings  
being taken down in Stenotype by CRAIG KNOWLES and  
transcribed under his direction.

Henderson Legal Services  
(202) 220-4158

91d5f556-dc83-483e-9b76-502e73011095

Randall Craig Holm

February 16, 2006

Billings, MT

Page 23

1 backing up the equipment we need to provide.

2 In the event that our equipment fails,  
3 we back up stuff so we can restore it for that  
4 purpose.

5 In terms of the content that is out  
6 there that each agency has in their databases and  
7 things like that, that is up to them to determine  
8 retention and backup cycles and things like that.  
9 That -- my responsibility from a computer center  
10 point of view is more that disaster recovery.

11 Q. So for instance, then, Montana Medicaid  
12 may have a separate or additional backup or  
13 electronic retention policy that may or may not  
14 extend beyond the 30 days that is captured in the  
15 central files?

16 A. They may. I mean, I'm not familiar with  
17 their schedules.

18 Q. That is my next question, you don't --

19 A. No.

20 Q. -- know whether or not they do?

21 A. No.

22 Q. So, with respect to the information that

Randall Craig Holm

February 16, 2006

Billings, MT

Page 24

1 is centrally backed up, what happens to that  
2 information once it's 30 days old, is it  
3 permanently deleted?

4 A. Yes, it's deleted. The tapes are reused  
5 for new backups, so it's overwritten for new data.

6 Q. So, for instance, there wouldn't be at  
7 this point any electronic data information  
8 centrally backed up for January 10th, 2006?

9 A. Actually, there is, because at the point  
10 that any e-mail discovery is initiated, we'll  
11 start holding the tapes and not releasing them so  
12 that we are not destroying information that is  
13 needed.

14 So we actually -- we've got a couple of  
15 discovery efforts under way right now. So we've  
16 held tapes prior to 30 days currently.

17 Q. Are e-mails -- strike that.

18 Is this litigation subject to one of  
19 those holds that you described?

20 A. Yes.

21 Q. Do you know when that hold was  
22 initiated?

Randall Craig Holm

February 16, 2006

Billings, MT

Page 25

1 A. We've got tapes to December 1st, 2005.

2 Q. Just so I understand, do those tapes  
3 contain backup for the entire e-mail server, or  
4 just specific individuals, or just a particular  
5 agency?

6 A. For the entire e-mail server.

7 Q. Okay.

8 A. That is the way our backup strategy is  
9 built, we backup servers, we don't back up  
10 individual mailboxes.

11 Q. So everything on Montana's Outlook  
12 Exchange server from December 1, 2005 at this  
13 point has been preserved?

14 A. Yes.

15 Q. Is that effort ongoing from this point,  
16 so for instance, 30 days from now the February  
17 16th information will still be there?

18 A. Yes, that's correct.

19 Q. Is there anything else besides the  
20 e-mail Exchange servers being backed up centrally,  
21 at least?

22 A. Well, yes, we back up everything

Randall Craig Holm

February 16, 2006

Billings, MT

Page 60

1     been the limit since we first implemented  
2     Microsoft Exchange in '99, when we did that.

3           Q.     I assume deleted e-mails encompassed  
4     within this, items that are in the deleted items  
5     folder are encompassed within this 50 megabyte?

6           A.     Yes, that's correct.

7           Q.     So you can't sneak your way around it.  
8     You have to double-delete at that point once  
9     you've reached the 50 megabyte ceiling; is that  
10    right?

11          A.     Yeah, or set your -- I mean, the user  
12    can set that timeframe that those deleted items  
13    are kept. If someone's been, for example, keeping  
14    them for 90 days and they've got 90 days worth of  
15    deleted items, they might change it down to 30 or  
16    change it to five days or one day. Then they  
17    don't have to worry and it automatically deletes  
18    at a quicker interval.

19          Q.     Okay.

20          A.     Yeah, there are various ways to do that.

21          Q.     I guess what I'm asking is, once you've  
22    reached that 50 megabyte limit, you have to

Randall Craig Holm

February 16, 2006

Billings, MT

Page 61

1 permanently delete items within your e-mail to get  
2 back within the ceiling; is that right?

3 A. That's correct.

4 Q. Okay.

5 A. Well, that's one way to do it.

6 Q. Are there other ways?

7 A. They can move the mail to some other  
8 place.

9 Q. I see. So they could, I guess, someone  
10 could, theoretically at least, someone could save  
11 some number of e-mails into I guess it's a .pst  
12 file?

13 A. Yes.

14 Q. Then store that somewhere else?

15 A. That's correct.

16 Q. But it's got to be out of there?

17 A. It's got to be out of there. You either  
18 move it or delete it. But it's got to go  
19 someplace for them to stay under that 50 meg  
20 limit.

21 Q. One other thing I wanted to ask you a  
22 couple follow-up questions about. You said you